GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

August 17, 2016

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Doug Boyd .................................................... Texas
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The Mackerel Management Committee of the Gulf of Mexico Fishery Management Council convened at the Astor Crowne Plaza, New Orleans, Louisiana, Wednesday morning, August 17, 2016, and was called to order by Chairman Pamela Dana.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN PAMELA DANA: I would like to call the Mackerel Management Committee to order. I need a motion to approve adoption of the agenda, Tab C, Number 1.

MR. JOHN SANCHEZ: So moved.

MS. MARTHA GUYAS: Second.

CHAIRMAN DANA: Is there any additions to the agenda? Seeing none, we are going to move forward with the agenda as proposed or as written. Has everyone had the opportunity to review the minutes? If so, can I get a motion to approve?

MR. SANCHEZ: So moved.

CHAIRMAN DANA: Leann Bosarge seconds. Is there any discussion on the minutes? Seeing none, all those in favor of approving say aye; opposed. The minutes go to record. Everyone has before them Tab C, Number 3, the Action Guide and Next Steps. That’s what our meeting will entail. I would like to make this an efficient meeting, given that we are short thirty minutes of time.

We are going to cover CMP Amendment 29, both to consider the staff version with the council-proposed changes from the June 2016 meeting as well as consider the IPT version, which aims to more succinctly capture the council’s intent with fewer alternatives and options. I am going to ask Ryan Rindone to walk us through the options paper for CMP 29, Allocation Sharing and Accountability Measures for Gulf King Mackerel.

OPTIONS PAPER: CMP AMENDMENT 29: ALLOCATION SHARING AND ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL

MR. RYAN RINDONE: Thank you, Madam Chair. If the committee will entertain this idea, I would like to go through the IPT version first, because what it does is it takes the council version and pares it down, and like it’s described in the action guide, what we tried to do was really capture what you guys have
been talking about, but with less stuff in the way of making the
decision. That would be Tab C, Number 4(b), if you guys want to
move to that one. Is that okay with everybody? All right.

Just to review the purpose and need again, the purpose is to
consider changes in the recreational and commercial allocations
for Gulf group kingfish and a recreational accountability
measure. The need is to achieve optimum yield while ensuring
overfishing does not occur in the CMP fishery, thereby
increasing social and economic benefits throughout the fishery
through sustainable and valuable harvest of kingfish.

If we move on to Action 1, which is on page 6, you will see that
we have proposed to delete Alternative 2, and, in its place, put
what we’re calling IPT-Proposed Alternative X, which would
conditionally transfer a certain percentage of the allocation to
the commercial sector in the next fishing year if the minimum
recreational landings threshold is not met.

If the commercial sector doesn’t land at least 90 percent of its
ACL, no transfer happens. Then landings data from two years
prior would be used to determine allocation transfers. This
last part is key. What it means is that we’re using validated
QA’d and QC’d landings, as opposed to trying to forecast what
the landings would be for the waves of data that we haven’t
received yet, which is what we talked about possibly doing last
time, and you guys didn’t seem to like the idea of using
uncertain landings data, and so this is what we’re coming back
to you with, is we would be using data from two years prior.

We have the same options that were in Alternative 2, to
conditionally transfer either 5, 10, 15, or 20 percent from the
stock allocation to the commercial allocation. Then, for the
recreational ACL minimum threshold, you would have to choose one
of these as well. You have options of less than 50 percent of
its ACL, less than 65 percent, or less than 75 percent.

What that means is that, for a conditional transfer to occur,
the recreational sector would have to have landed less than 50
percent, less than 65 percent, or less than 75 percent of its
ACL. Does everybody understand that? Silence is compliance.
Okay.

We are recommending this replacement because it achieves the
same goals as Alternative 2. One big difference is that the
transfer in the proposed alternative largely relies on the
recreational sector’s landings rather than what the commercial
sector is doing to determine whether that transfer happens. The
other difference is, of course, using the certain data from two years’ prior as opposed to estimating MRIP waves.

Now, since we have proposed what we have with Alternative X, we have proposed eliminating Alternative 3, since Alternative X is kind of a marriage of Alternatives 2 and 3. We left Alternative 4 in there, which states that if the stock ACL isn’t harvested in a fishing year that the SSC would be convened to consider increasing the ABC for the following fishing year only.

If they do, then the amount of that increase would be added to the ACL of the sector which harvested its ACL, within 10 percent, in the previous fishing year. Then consideration of an ABC adjustment by the SSC would only be requested if a minimum percentage of the stock ACL wasn’t harvested, and so either 15, 20, or 25 percent are the options that we’ve presented to you guys. If you didn’t choose one of those options, then the SSC would consider raising the ABC whenever the stock ACL wasn’t harvested, regardless of how much is left.

We have also proposed eliminating the sunset provision, since there are provisions in both the proposed Alternative X and Alternative 4 that allow for protections, in the event that the recreational sector is landing more fish, and so the sunset provision seemed as if it might be double-jeopardy. For Action 1 anyway, this is what we’re proposing to you guys, and so, Madam Chair, if you guys want to discuss.

CHAIRMAN DANA: Thank you, Ryan. Are there any committee questions? It was somewhat complex, but the IPT is assisting us, or trying to assist us, in clarifying the language. Are there any questions from the committee? Leann.

MS. LEANN BOSARGE: Not a question so much, but I think I like the IPT suggestions a lot. I think it kind of streamlines the document. You may have said it, and I was trying to keep up with you, but what’s the major difference in IPT Proposed Alternative X and the old Alternative 2? Could you recap that? I think I like Alternative X better, but can you just recap it for me?

MR. RINDONE: The main difference is that whether the conditional transfer occurs isn’t relying on what the commercial sector is doing. It’s relying on what the recreational sector is leaving in the water, and it makes that more clear, by establishing a minimum recreational landings threshold, as opposed to some maximum level on the other end of the spectrum.
Then it’s also using two-year-old data, as opposed to having to estimate from the MRIP waves that we haven’t received yet, because remember the commercial season for the western and southern hand line starts on July 1, and so it’s in the middle of the year. It prevents us from having to estimate MRIP waves that we haven’t received yet, and so we’re using QA’d and QC’d certain landings data, as opposed to very well educated guessing.

Alternative 2 would terminate if the recreational landings reached a certain point. Alternative 3 did not terminate. That conditional transfer just wouldn’t occur for that year if the recreational landings were higher, and so the proposed alternative also does not terminate, but, again, it takes the requirement for the landings away from the commercial side and puts it on the recreational side. If the recreational sector is landing whatever threshold you guys determine, then that transfer would not occur.

CHAIRMAN DANA: Do we have additional questions from the committee? Martha.

MS. GUYAS: Just another comment. I appreciate what you guys did with this alternative and putting these together. It makes a lot more sense to me. I think I was one of the people in the confused camp before, and so I think I would support adding the IPT suggestions to this action, and I can make that in a motion if you would like.

CHAIRMAN DANA: Yes. Where we’re at now is we either go back to the original council amendment and act on those alternatives or we have a motion to accept the IPT-proposed alternatives, and so I will accept a motion.

MS. GUYAS: I move that in Action 1 that we accept the IPT suggestions.

CHAIRMAN DANA: We have a motion in Action 1 to accept the IPT-proposed Alternative X. Do I have a second? Mara.

MS. MARA LEVY: I’m not sure that’s what Martha meant. I think she wanted to accept all of the IPT suggestions for that action, which would remove 2 and 3 and add this in and keep 4.

MS. GUYAS: Bingo.

CHAIRMAN DANA: Thank you, Mara. Martha, can you be more specific in which actions and alternatives you are referring to?
Ryan, can you help us?

MR. RINDONE: May I suggest, in Action 1, to accept the IPT-proposed changes to remove Alternatives 2, 3, and 5 and add Alternative X? Is that suitable? Okay.

CHAIRMAN DANA: The maker of the motion approves of those friendly changes, and we have a second from John Sanchez. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? The motion passes. Okay, Ryan.

MR. RINDONE: Thank you, Madam Chair. We will make those changes for you and get working on that part. Now, in Action 2, which is on page 13, this would adjust the recreational accountability measure for Gulf group kingfish and, right now, the current in-season AM states that if the recreational landings reach or are projected to reach the recreational ACL that the bag limit would be reduced to zero for the remainder of that fishing year.

For Alternative 2, the IPT is recommending that you guys move this to considered but rejected. It’s not one that you guys seem to be a fan of. Since we just increased the bag limit to three fish per person in Amendment 26, having an AM to reduce it back to two wasn’t something you all were a fan of.

In Alternative 3, the option is to replace the current in-season AM with a post-season one, whereby if the recreational ACL is exceeding in any fishing year, then the length of the following season would be reduced by the amount necessary to ensure the landings don’t exceed the ACL. Again, the thing to remember here with this is that, if the recreational landings start creeping up, you’re establishing some sort of threshold in Action 1, which prevents a conditional transfer from occurring, and then the recreational sector keeps all of that quota that they already have.

The IPT is actually proposing a new alternative here, which is Alternative 4, which would replace the current in-season AM with a post-season one, and it would require both the recreational ACL and the stock ACL to be exceeded before the length of the following recreational season would be reduced to prevent a recreational ACL overage, and that would be in the following year.

The difference between Alternatives 1 and 4 is that Alternative 1 affects the current fishing year if the ACL is met or projected to be met. Alternative 4 requires both the
recreational ACL and the stock ACL to be met. Then, in the following fishing year, the season would be abbreviated, to make sure that the ACL is not exceeded. By waiting until the following fishing year, that gives time for that conditional transfer to not occur. Then the recreational sector, again, gets those pounds back. Are there questions on this? I know there have been in the past.

CHAIRMAN DANA: Leann.

MS. BOSARGE: I think this addresses the concerns that I had at the last meeting with the way those accountability measures really seemed to -- I didn’t like the way that was going to be handled for the recreational sector. It seemed to be too punitive, the way it was designed to happen.

Now, obviously we have to protect the stock, and I think this does this, now that we have made the change in the last action item, where we’re going to have final landings, and then we’ve made a change here, so that if the recreational sector essentially shares some quota with the commercial sector, the whole idea is to not have the overall stock ACL exceeded, and so it’s not right to judge them on their individual ACL when they just shared some with a different sector and then say, oh, they went over, and so I think the rewording there is ideal and it still protects the stock.

I also like the idea that essentially, if something happens and the stock ACL is exceeded, we’ll be at a point where the ACL for the recreational sector obviously was also going to be exceeded, if the stock ACL is exceeded, but we’re in a situation where that sharing won’t happen anymore, and so they will end up with 100 percent of their normal ACL for that year, which should, in reality, stop there from being any kind of accountability measure for them, the way that it’s set up now with the backward looking and the overall stock ACL, the way you have it structured. I think it gives the recreational sector a lot more protection this way.

CHAIRMAN DANA: Martha.

MS. GUYAS: Just a question. Since the recreational fishing year is different from commercial, and we’re looking at a recreational ACL here, which fishing year is this based on?

MR. RINDONE: It would be based on the landings that have come in from the current fishing year. Even though the amount of the transfer would be based on two years prior, if the recreational
sector, in the current fishing year, gets within a certain threshold, then it’s preventing that transfer from occurring. In the following fishing year, like Ms. Bosarge said, they would keep the fish that they otherwise would have transferred to the commercial sector. That transfer wouldn’t happen. If you guys are curious about the recent recreational landings, Sue can fill in on that, if you would like to entertain that.

CHAIRMAN DANA: Okay. Sue.

MS. SUE GERHART: Could we bring up Tab A-8, please? This is the same tab that had the reef fish landings. It’s just the page 3 starts the CMP landings. For the sake of time, there is commercial landings there. We’ve got two sets. The first set is the current year, which we only have two zones that are open right now, and they just opened on July 1, and so there’s not a lot of landings on those, although you do see that we’re at 50 percent for the western zone at this point.

The second set is for last year, just the final numbers for the last season. It’s probably not completely final yet, but those are close to final numbers.

On the next page, we have the recreational landings, and it says Wave 2 may be available. We did fill in Wave 2 and the incomplete Wave 3, which, again, is just the LA Creel and headboat survey numbers, and you will see that we’re only at 26 percent. Remember that when we’re looking at the season, and I think this gets a bit to Martha’s question, is that although technically the recreational season is on the calendar year, for purposes of monitoring the stock ACL, it’s on the same fishing year as the commercial, and so it’s July through June. This Wave 3 is the last wave of that fishing year, and so this is almost complete, and they are only at 26 percent. Then right below that is cobia and Spanish, if you’re interested in where those are at as well.

CHAIRMAN DANA: Thank you, Sue. Are there any additional questions? Leann.

MS. BOSARGE: Do we need a motion in order to accept the IPT-proposed Alternative 4 into the document?

CHAIRMAN DANA: We will need a motion, but before I accept that motion, I want to make sure that our recreational representatives, Mr. Boyd, Mr. Banks, and Mr. Fischer, you’re comfortable with these IPT changes? Mr. Boyd.
MR. DOUG BOYD: Yes, I’m okay with their changes, but I have a bigger issue. For the last eight years, six of those eight years, the commercial sector has been over their allocation, over 100 percent, and the recreational, in the last year, used 62 percent. They’re up to 4.5 -- I am looking at Table 2.1.1. On that table, it shows that the recreational sector increased their catch from 2.9 million to 4.5 million, a significant increase in one year. We just recently changed the bag limit to try to give the recreational sportsmen more access to the fishery. We don’t know yet if that’s going to make a change. We could see, and I don’t know that we will, but we could see another increase in this 4.5 million. While I understand we keep using the terminology of share this resource, this is a reallocation process. It’s simply a reallocation, and I don’t know that we’ve gone through all of the processes for a reallocation. If we’re talking about sharing, that’s one thing, but that’s not what this is, and so I have a bigger problem with this amendment than just looking at these alternatives. Thank you.

CHAIRMAN DANA: Thank you, Doug. If there are no other committee comments, then I will accept a motion either to accept the IPT-proposed or to stay status quo with the council alternatives. Leann.

MS. BOSARGE: I would like to make a motion in Action 2 to accept the IPT-proposed changes. For the sake of the recreational members, we’re not picking a preferred here, and I think what the IPT did gives more protection to the recreational angler.

If we choose, as a council, to go down this path and implement this system, that alternative right there gives the most protection to the recreational sector, and so I definitely do want that in the document for consideration. If we did go down this path, I want to make sure that the recreational sector has these protections and this system in place for them.

CHAIRMAN DANA: Ryan.

MR. RINDONE: Thank you, Madam Chair. Just to clarify Ms. Bosarge’s motion, it was to accept the IPT’s proposed changes, which would be to add Alternative 4 and remove Alternative 2.

CHAIRMAN DANA: Was that your motion, Ms. Bosarge?
MS. BOSARGE: Yes, because Alternative 2 was the one that did not give the most flexibility and protection to the recreational sector that Alternative 4 does, and so, yes.

CHAIRMAN DANA: We’ve got a motion in Action 2 to accept the IPT-proposed Alternative 4 and remove Alternative 2. Do I have a second? John Sanchez seconds. Is there any discussion on the motion? John Sanchez.

MR. SANCHEZ: I’m glad to see it, and I agree this affords more protection in this process of sharing allocation. It seems like there is a million pounds under the strangely high year before, and so I think, again, we’re back in the spirit of maximizing benefits to the nation and this resource that is, by all means, healthy, and so I am pleased to see this.

CHAIRMAN DANA: Any further comments or discussion on the motion? Mr. Boyd.

MR. BOYD: Again, it’s a bigger issue for me, because I don’t know why we have to put in protections for a sector that is staying under their quota and we don’t do something to bring the commercial quota in line, so that they stay within their ACL. We have talked considerably, over a year’s period of time, about how to constrain the recreational fishermen in the red snapper industry, but we have had no discussion about how to constrain the commercial fishermen to stay within their quota, and so my feeling would be that the first thing we need to, before we protect, quote, unquote, the recreational fishermen, is to ask the commercial fishermen to stay within their quota. Thank you.

CHAIRMAN DANA: Thank you, Mr. Boyd. Are there further committee comments on the motion? Is there any opposition to the motion? The motion passes. Ryan, can you walk us through preparation of the public hearing draft and that process?

MR. RINDONE: Yes, ma’am. What we will do at this point, since this is the version that you guys are now working on, we will use the IPT version to create the public hearing draft, which we will try to bring to you at the next meeting.

To kind of head it off at the pass, if you guys wanted to recommend public hearing locations, knowing that we haven’t approved a public hearing draft yet, but just get those on the books, as far as which places you would like to do, we could do that.

CHAIRMAN DANA: It might be more appropriate that that happen at
full council, once our proposed motions are approved. Then, on
a final note, I have here that scoping on the general theme of
this particular amendment was done under Coastal Migratory
Pelagics, CMP, Amendment 26. The Gulf CMP AP will be convened
later in the year, I’m told, to review this and other CMP
issues. Do we have any idea of when that AP is being considered
for meeting or has that just not been --

MR. RINDONE: I need to poll them, but I’m thinking probably
sometime in October or November. If it’s approved for public
hearing in October, we would have to look at the calendar, but
try and get those public hearings done before the end of the
year. It just depends on what the workload is, of course.

CHAIRMAN DANA: Thank you, Ryan. We do not have any other
business. I do want to thank staff and the IPT for their hard
work in clarifying some of these alternatives for us and also I
thank the committee for being efficient with time, given that we
were short on it. If there are no other items, I am going to
adjourn the Mackerel Management Committee.

(Whereupon, the meeting adjourned on August 17, 2016.)